IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 2949 of 2007(A)

PETITIONER:

SHEENA XAVIER,
SELECTION GRADE LECTURER,
DEPARTMENT OF PHYSICS,
ST.XAVIER'S COLLEGE FOR WOMEN, ALUVA.

BY ADV. SRI.BABU VARGHESE

RESPONDENTS:

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1. THE MANAGER,
ST.XAVIER'S COLLEGE FOR WORMEN,
ALUVA.

2. THE MAHATMA GANDHI UNIVERSITY,
REP. BY ITS REGISTRAR,
PRIYADARSHINI HILLS P.O., KOTTAYAM.

3. THE STATE OF KERALA,
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF HIGHER EDUCATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

4. DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, P.M.G.JUNCTION,
THIRUVANANTHAPURAM.

5. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, ERNAKULAM.

BY ADV. SRI.V.A.MUHAMMED, SC, M.G.UNIVERSITY
GOVT.PLEADER SMT.T.B.REMANY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE ORDER OF APPROVAL ISSUED TO THE PETITIONER ON HER PLACEMENT AS SENIOR GRADE LECTURER DT. 23.10.1999.

EXT.P1A TRUE COPY OF THE APPROVAL GRANTED BY THE 5TH RESPONDENT ON THE PROMOTION GRANTED TO THE PETITIONER AS SENIOR GRADE DT. 31.3.2001.

EXT.P2 TRUE COPY OF THE ORDER OF APPRVAL GRANTED TO THE PETITIONER BY THE UNIVERSITY ON HER PLACEMENT AS SELECTION GRADE LECTURER DT. 19.8.2004.

EXT.P3 : TRUE COPY OF THE GO(MS) NO.27/91 H.EDN. DT. 14.2.91 ON RECKONING BROKEN PERIOD OF SERVICE.

EXT.P3A TRUE COPY OF THE UNIVERSITY ORDER AC.BV-1-798-05 DT. 19.12.2005 ON CONVERTING OF BROKEN PERIOD OF SERVICE.

EXT.P4 : TRUE COPY OF THE LETTER SENT BY THE 5TH RESPONDENT DT. 13.2.2006 DISALLOWING THE ARREARS OF SALARY OF THE PETITIONER.

EXT.P5 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 5TH RESPONDENT DT. 31.3.2006.

TGS

KURIAN JOSEPH, J.

W.P(C)No.2949 of 2007

Dated this the 30th day of March, 2007

JUDGMENT

The writ petition is filed with the following prayers:-

i) issue a writ of certiorari or any other appropriate writ order or direction, quashing Ext.P4;

ii) declare that the petitioner is entitled to get arrears of salary in the promoted post with effect from 30-9-2000 on the strength of Exts.P2, P3 and P3(a);

iii) issue a writ of mandamus or other appropriate writ order or direction, directing the 5th respondent to countersign the bill submitted to draw arrears of salary and disburse the same with effect from 30-9-2000.

Once the service is approved by the University, it is now settled law as per the decision in Cherian Mathew v. Principal, S.B.College, Changanacherry, 1998(2) KLT 144, that the incumbent is entitled to the consequential benefits flowing out of the approved service. There will be a direction to the 5th respondent to grant the consequential benefits in respect of the approved service of the petitioner by taking action on Ext.P5 within a period of two months from the date of production of a copy of this judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.